

REMARKS

The Office Action dated July 28, 2003 has been read and carefully considered and the present amendment submitted in order to better distinguish the present invention over the references of record. A three month extension of time is hereby petitioned and the fee for that extension is submitted herewith.

In the aforementioned Office Action, claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Price, U. S. Patent 4,706,959 in view of Franchi, U. S. Patent 5,770,533.

The rejection of the claims based on the principle reference of Price is respectfully traversed. Basically, Price is a game of chance and, therefore, not within the environment of Applicants claimed invention. Specifically the Examiner has referenced the apparatus in Price to comprise a "means 38, 40, 42, and 44 to delineate zones 50, 52, 54 56 with delineation indicators "first down", "touchdown", "score". "sack". However, the reference to "zones" in the Price patent is, in fact, related to areas set aside from the real or created environment for placing bets. They are not zones where events occur within or under the delineation indicator.

On the other hand, in the present invention, as claimed, claim 1 defines "a means to delineate zones with delineation indicators" and wherein the intended interpretation of which is the presence of lines or the like that define an area or volume in a "real or created environment". The delineation of the present invention is not a simply a label such as "first down" but, as defined in claim 1, for example, the claim defines that an event occurs within, under a zone, or on a delineation indicator which is distinct from Price where the zone is the event.

In Price, the event itself cannot occur within the delineated zone let alone under a zone or a delineation indicator. As such, the present invention is the

combination of the stated elements and related in a way not disclosed, taught or even hinted at in Price, Franchi or any of the other cited references.

The Examiner has also stated that the electronic display would have presented the zones of Price electronically in order for participants to more conveniently place bets. Again, however, it misses the point since Price is merely an electronic game of chance. Applicant invention, and related claim language, defines zones in an environment which itself is not a game of chance and one or more of those zones may become associated with an actual event in the environment.

In a manner of explaining the present invention in order to illustrate the distinction between the present invention and the Price game, take for example a soccer goalmouth, which is rectangular and located in a vertical plane on a soccer playing field. Using readily available and well understood video technology, it is possible to superimpose on an image of the actual goalmouth a grid of delineation indicators to form a plurality of rectangular zones. This is an example of a real environment, as with Applicant's invention, which is not a game of chance. An event occurs, such as a ball moving through a zone created in that environment or the ball passes through/under a delineation indicator and thus an actual event is associated with all the adjacent zones.

At any one time, an event may occur such as, a soccer ball passing through the goal mouth, the soccer goalie may pass through the goal mouth, a player from the offensive side may pass through the goal mouth. Due to the nature of the environment, none of those events is certain to occur let alone which super-imposed zone they may occur or be associated. The zone with which a predetermined event may be associated with is uncertain.

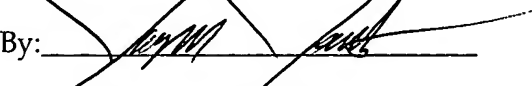
The realisation that a real event can be so, is, therefore, an important element of the invention.

A participant in playing the claimed game is able to associate a wager or marker of value with one or more of the superimposed zones. That association can occur as a result of an interaction with the means to delineate zones or in one of a multitude of technologically possible ways.

However, at some time, the participant will want to know whether the event has occurred or not and if so what zone/s the predetermined event has become associated with. Thus in an embodiment, a display means is provided and depending on the outcome of the marker placement made by the participant, the betting participants choice is penalised or rewarded as appropriate.

Accordingly, it can be seen by the foregoing example, the basic game as disclosed and claimed by Applicant is fundamentally different and unique from that disclosed in Price or any of the other cited references.

For the foregoing reasons, it is submitted that the present claims of the subject patent application define a patentable invention over the citer references and an allowance of the present patent application is respectfully solicited.

KLAUBER & JACKSON
By: 
Roger M. Rathbun